

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Rhonda Mack, 741 Wood Duck Ct., Middletown, DE 19709
Carla Williams, 140 Willow Oak Blvd., Bear, DE 19701

DEFENDANTS

William Schreffler; TWIN OAKS TOWING & AUTO SERVICE, INC.;
TWIN OAKS TOWING & REPAIR INC.

(b) County of Residence of First Listed Plaintiff New Castle (Delaware)
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Delaware (Pennsylvania)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Peter K. Janczyk, Esquire
EDELSTEIN MARTIN & NELSON, LLP
123 South Broad Street, Suite 1820; Philadelphia, PA 19109

Attorneys (If Known)

Unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Motor Vehicle Accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/14/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ PETER K. JANCZYK, ESQUIRE

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Rhonda Mack, 741 Wood Duck Ct., Middletown, DE 19709; Carla Williams, 140 Willow Oak Blvd., Bear, DE 19701

Address of Defendant: WILLIAM SCHREFFLER 1319 Plum Street, Upper Chichester, Pennsylvania 19061. TWIN OAKS TOWING & AUTO SERVICE, INC and TWIN OAKS TOWING & REPAIR, INC, 147 CONCHESTER HIGHWAY TWIN OAKS PA 19014.

Place of Accident, Incident or Transaction: Bethel Road and Route 322 East in Upper Chichester, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/14/2019

201657

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Rhonda Mack, 741 Wood Duck Ct., Middletown, DE 19709; Carla Williams, 140 Willow Oak Blvd., Bear, DE 19701

Address of Defendant: WILLIAM SCHREFFLER 1319 Plum Street, Upper Chichester, Pennsylvania 19061. TWIN OAKS TOWING & AUTO SERVICE, INC and TWIN OAKS TOWING & REPAIR, INC, 147 CONCHESTER HIGHWAY TWIN OAKS PA 19014.

Place of Accident, Incident or Transaction: Bethel Road and Route 322 East in Upper Chichester, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/14/2019

201657

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

RHONDA MACK AND
CARLA WILLIAMS

CIVIL ACTION

V.
WILLIAM SCHREFFLER
AND TWIN OAKS TOWING &
AUTO SERVICE INC. and TWIN
OAKS TOWING & REPAIR, INC

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

MAY 14, 2019

PETER K. JANCZYK

PLAINTIFFS

Date

Attorney-at-law

Attorney for

(215)731-9900

(215)731-1146

pjanczyk@law-pa.com

Telephone

FAX Number

E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

JURISDICTION

5. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332.
6. The amount in controversy exceeds the minimum threshold amount of Seventy Five Thousand Dollars, exclusive of interests and costs, as mandated by 28 U.S.C. § 1332.
7. Plaintiff and Defendant are citizens of different states.
8. Venue is proper in the Eastern District of Pennsylvania as the accident and all events associated with same occurred in the Eastern District.

ALLEGATIONS

9. At all material times herein Defendant, WILLIAM SCHREFFLER was operating a vehicle which at all times material herein was owned by defendants TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC.
10. At all material times herein Defendant WILLIAM SCHREFFLER was the servant, agent or employee of the Defendant, TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC., and acting with the scope and course of that relationship.
11. On or about May 14, 2017 Plaintiffs were occupying a vehicle located in the area of Bethel Road and Route 322 East in Upper Chichester, Pennsylvania. The

defendant driver, operating a tow truck negligently backed into the plaintiff's vehicle causing them to sustain injuries more fully described below.

COUNT I
NEGLIGENCE
PLAINTIFF, RHONDA MACK V. DEFENDANT, WILLIAM SCHREFFLER

12. Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1 through 11 inclusive as fully as though the same were herein set forth at length.

13. The aforesaid collision and Plaintiff's resulting damages were proximately caused by the negligence of Defendant, William Schreffler in that he:

- (a) Failed to properly operate and safely control his vehicle;
- (b) Failed to give full time and attention to the operation of his vehicle;
- (c) Failed to control the speed of his vehicle so as to avoid the collision;
- (d) Failed to control the speed of his vehicle so as to avoid colliding with another vehicle;
- (e) Operated his vehicle in a careless and imprudent manner;
- (f) Operated his vehicle at an unreasonable speed under the conditions then existing, without regards to the actual and potential hazard then existing;
- (g) Failed to keep safe distance, specifically failed to properly back up;
- (h) Operated his vehicle in a reckless manner;
- (i) Operated his vehicle in an aggressive manner, in violation of the above statute;
- (j) Failed to observe the position of Plaintiffs' vehicle occupied by the Plaintiffs when backing back

(k) Operated its vehicle in excess of the time allowed by state and federal regulations;

(l) Was otherwise negligent as will be determined in discovery.

14. As a proximate result of the negligence and/or carelessness of the Defendants, Plaintiff, Rhonda Mack has suffered and will continue to suffer in the future, bodily harm and injuries including but not limited to: traumatic cervical sprain and strain, thoracic and lumbosacral sprain and strain, radiculopathy, disc herniations requiring injections, and other ills and injuries, all to his great loss and detriment.

15. As a further result of this accident, Plaintiff has suffered from pain and suffering, a loss of life's pleasures, mental anguish and humiliation, and may continue to suffer same for an indefinite period of time into the future.

16. As a further result of this accident, Plaintiff has been, presently, and will continue to be obliged to receive and undergo reasonable and necessary medical attention and care and to incur various expenses into the future for which the Defendants are responsible.

17. Furthermore, Plaintiff suffered loss of wages.

WHEREFORE, Plaintiff demands judgment against defendants, WILLIAM SCHREFFLER and TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC., jointly and/or severally for compensatory and special damages, interest, costs and such other and further relief as the Court deems just and proper.

COUNT II

**NEGLIGENCE-RESPONDENT SUPERIOR/NEGLIGENT ENTRUSTMENT
PLAINTIFF, RHONDA MACK V. DEFENDANTS, TWIN OAKS TOWING &
AUTO SERVICE INC. AND TWIN OAKS TOWING & REPAIR, INC**

18. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1 through 17 inclusive as fully as though the same were herein set forth at length.

19. The aforesaid collision and Plaintiff's resulting damages were proximately caused by the negligence of Defendants, TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC in that (through their servant):

- (a) Failed to properly operate and safely control his vehicle;
- (b) Failed to give full time and attention to the operation of his vehicle;
- (c) Failed to control the speed of his vehicle so as to avoid the collision;
- (d) Failed to control the speed of his vehicle so as to avoid colliding with another vehicle;
- (e) Operated his vehicle in a careless and imprudent manner;
- (f) Operated his vehicle at an unreasonable speed under the conditions then existing, without regards to the actual and potential hazard then existing;
- (g) Failed to keep safe distance, specifically failed to properly back up;
- (h) Operated his vehicle in a reckless manner;
- (i) Operated his vehicle in an aggressive manner, in violation of the above statute;
- (j) Failed to observe the position of Plaintiffs' vehicle occupied by the Plaintiffs when backing back
- (k) Operated its vehicle in excess of the time allowed by state and federal regulations;
- (l) Was otherwise negligent as will be determined in discovery.

20. Corporate defendants were also negligent in that:

- (a) They entrusted its vehicle to Defendant-driver at a time when it knew or should have known he would operate it in a careless or negligent manner;
- (b) They entrusted its vehicle to Defendant-driver at a time when it knew or should have known he would operate it so as to cause an injury to the individuals such as Plaintiff;
- (c) They failed to properly supervise its driver;
- (d) They failed to properly train its driver;
- (e) They acted in such other ways as may be disclosed during discovery.

WHEREFORE, Plaintiff demands judgment against defendants, WILLIAM SCHREFFLER and TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC., jointly and/or severally for compensatory and special damages, interest, costs and such other and further relief as the Court deems just and proper.

**COUNT III
NEGLIGENCE
PLAINTIFF, CARLA WILLIAMS V. DEFENDANT, WILLIAM SCHREFFLER**

21. Plaintiffs incorporate by reference all of the allegations contained in paragraphs 1 through 20 inclusive as fully as though the same were herein set forth at length.

22. The aforesaid collision and Plaintiff's resulting damages were proximately caused by the negligence of Defendant, William Schreffler in that he:

- (a) Failed to properly operate and safely control his vehicle;
- (b) Failed to give full time and attention to the operation of his vehicle;

- (c) Failed to control the speed of his vehicle so as to avoid the collision;
- (d) Failed to control the speed of his vehicle so as to avoid colliding with another vehicle;
- (e) Operated his vehicle in a careless and imprudent manner;
- (f) Operated his vehicle at an unreasonable speed under the conditions then existing, without regards to the actual and potential hazard then existing;
- (g) Failed to keep safe distance, specifically failed to properly back up;
- (h) Operated his vehicle in a reckless manner;
- (i) Operated his vehicle in an aggressive manner, in violation of the above statute;
- (j) Failed to observe the position of Plaintiffs' vehicle occupied by the Plaintiffs when backing back
- (k) Operated its vehicle in excess of the time allowed by state and federal regulations;
- (l) Was otherwise negligent as will be determined in discovery.

23. As a proximate result of the negligence and/or carelessness of the Defendants, Plaintiff, Carla Williams has suffered and will continue to suffer in the future, bodily harm and injuries including but not limited to: traumatic cervical, thoracic and lumbar injuries, disc herniations, radiculopathy, and other ills and injuries, all to his great loss and detriment.

24. As a further result of this accident, Plaintiff has suffered from pain and suffering, a loss of life's pleasures, mental anguish and humiliation, and may continue to suffer same for an indefinite period of time into the future.

25. As a further result of this accident, Plaintiff has been, presently, and will continue to be obliged to receive and undergo reasonable and necessary medical attention and care and to incur various expenses into the future for which the Defendants are responsible.

26. Furthermore, Plaintiff suffered loss of wages.

WHEREFORE, Plaintiff demands judgment against defendants, WILLIAM SCHREFFLER and TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC., jointly and/or severally for compensatory and special damages, interest, costs and such other and further relief as the Court deems just and proper.

COUNT IV
NEGLIGENCE-RESPONDENT SUPERIOR/NEGLIGENT ENTRUSTMENT
PLAINTIFF, CARLA WILLIAMS V. DEFENDANTS, TWIN OAKS TOWING &
AUTO SERVICE INC. AND TWIN OAKS TOWING & REPAIR, INC

27. Plaintiff hereby incorporates by reference all of the allegations contained in paragraphs 1 through 26 inclusive as fully as though the same were herein set forth at length.

28. The aforesaid collision and Plaintiff's resulting damages were proximately caused by the negligence of Defendants, TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN OAKS TOWING & REPAIR, INC in that (through their servant):

- (a) Failed to properly operate and safely control his vehicle;
- (b) Failed to give full time and attention to the operation of his vehicle;
- (c) Failed to control the speed of his vehicle so as to avoid the collision;
- (d) Failed to control the speed of his vehicle so as to avoid colliding with another vehicle;

- (e) Operated his vehicle in a careless and imprudent manner;
- (f) Operated his vehicle at an unreasonable speed under the conditions then existing, without regards to the actual and potential hazard then existing;
- (g) Failed to keep safe distance, specifically failed to properly back up;
- (h) Operated his vehicle in a reckless manner;
- (i) Operated his vehicle in an aggressive manner, in violation of the above statute;
- (j) Failed to observe the position of Plaintiffs' vehicle occupied by the Plaintiffs when backing back
- (k) Operated its vehicle in excess of the time allowed by state and federal regulations;

(l) Was otherwise negligent as will be determined in discovery.

29. Corporate defendants were also negligent in that:

- (a) They entrusted its vehicle to Defendant-driver at a time when it knew or should have known he would operate it in a careless or negligent manner;
- (b) They entrusted its vehicle to Defendant-driver at a time when it knew or should have known he would operate it so as to cause an injury to the individuals such as Plaintiff;
- (c) They failed to properly supervise its driver;
- (d) They failed to properly train its driver;
- (e) They acted in such other ways as may be disclosed during discovery.

WHEREFORE, Plaintiff demands judgment against defendants, WILLIAM SCHREFFLER and TWIN OAKS TOWING & AUTO SERVICE INC. and TWIN

OAKS TOWING & REPAIR, INC., jointly and/or severally for compensatory and special damages, interest, costs and such other and further relief as the Court deems just and proper.

~~EDELSTEIN MARTIN & NELSON~~

BY: /s/ Peter K. Janczyk

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Attorney for Plaintiffs